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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,172	03/10/2004	Tooru Horie	NIP-216-02	3500

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MATTINGLY, STANGER & MALUR
Suite 370
1800 Diagonal Rd.
Alexandria, VA 22314

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental

Office Action Summary

Application No.

10/796,172

Applicant(s)

HORIE ET AL.

Examiner

LINH BLACK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/11/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This supplemental communication is in response to the Applicants' telephone call on August 5, 2005. Claims 1-21 are cancelled. Claims 22-27 are pending in the application. Claims 22-27 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikurak (US 6671818).

1. As per claims 22, 25, Mikurak teaches

means for registering inquiry information sent from a user via a telecommunication network - col. 22, lines 9-61; col. 39, line 66 to col. 40, line 11; col. 41, lines 10-34; col. 127, lines 5-67.

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means for preventing the registered inquiry information from being accessed by other users via the telecommunication network – col. 77, lines 3-66; col. 260, lines 28-62; col. 267, lines 19-50.

means for sending an answer to the inquiry information to the user via the telecommunication network - col. 171, lines 29-39.

retrieving system for retrieving information of countermeasures/actions taken for an occurred abnormality, based on the inquiry information which is sent from the user and includes apparatus at which the abnormality occurred or a portion of the apparatus at which the abnormality occurred and phenomena of abnormality occurrence – col. 201, line 32 to col. 202, line 11; col. 206, lines 45-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (US 6671818), and further in view of Bean (US 5524147).

2. As per claims 23, 26, Mikurak teaches

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means for registering inquiry information sent from a user via a telecommunication network – col. 22, lines 9-61; col. 39, line 66 to col. 40, line 11; col. 41, lines 10-34; col. 127, lines 5-67.

means for preventing the registered inquiry information from being accessed by other users via the telecommunication network - col. 77, lines 3-66; col. 260, lines 28-62; col. 267, lines 19-50.

means for sending an answer to the inquiry information to the user via the telecommunication network - col. 171, lines 29-39.

Mikurak teaches “the proactive threshold manager provides real-time threshold analysis (that is, it continuously monitors for plan thresholds that have been exceeded) using algorithms...a threshold is generally a number which, when exceeded, generates an alarm in the proactive threshold manager indicating possible breach of service agreement...when an alarm is generated...it is also prioritized.” – col. 73, lines 3-28.

Mikurak does not explicitly disclose the longer the operation time is the higher a priority of countermeasure information for the abnormality caused thereby is made. However, actions to be taken against problems often based on time priority are well known in the art. Bean teaches method for forming a virtual call center – the title. Bean teaches the longest call waiting will be answered by the next available agent – col. 1, lines 5-17; col. 2, line 55-67. Priority levels of actions to face with systems/devices/applications’ problems can be defined on users’ references. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Mikurak’s teaching

with Bean's teaching to facilitate the process of providing actions against problems efficiently.

Claims 24, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (US 6671818), and further in view of "First aid for slipped disks; RAID vendor storage dimensions builds the virtual help desk." by Chabrow, Eric R.

3. As per claims 24 and 27, Mikurak teaches

means for registering inquiry information sent from user via a telecommunication network - col. 22, lines 9-61; col. 39, line 66 to col. 40, line 11; col. 41, lines 10-34; col. 127, lines 5-67.

means for preventing the registered inquiry information from being accessed by other users via the telecommunication network - col. 77, lines 3-66; col. 260, lines 28-62; col. 267, lines 19-50.

means for sending an answer to the inquiry information to the user via the telecommunication network - col. 171, lines 29-39. Mikurak teaches "the proactive threshold manager provides real-time threshold analysis (that is, it continuously monitors for plan thresholds that have been exceeded) using algorithms... a threshold is generally a number which, when exceeded, generates an alarm in the proactive threshold manager indicating possible breach of service agreement...when an alarm is generated...it is also prioritized." – col. 73, lines 3-28. Mikurak does not explicitly disclose the higher the abnormality occurrence times are, the higher a priority of countermeasure information for the abnormality caused thereby is made. Chabrow,

Eric R. teaches "each time a solution to a customer's problem is found, it gets entered into the ThechConnect system as a document that can be retrieved either by technical support personnel or by customers via an electronic-mail inquiry over the Internet. The system further speeds resolution by automatically prioritizing solutions based on frequency of use." – page 1, second and third paragraphs. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Mikurak's teaching with Chabrow, Eric R.'s teaching in order to provide faster support to customers, and also can reduce the technical support staffs.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2167

August 22, 2005



Primary Examiner
Art Unit 2167